

REFERENCE TITLE: used tire disposal; fire code

State of Arizona  
House of Representatives  
Forty-ninth Legislature  
First Regular Session  
2009

# HB 2046

Introduced by  
Representative Konopnicki

AN ACT

AMENDING SECTIONS 44-1304.01, 49-762, 49-762.01, 49-762.02 AND 49-783,  
ARIZONA REVISED STATUTES; RELATING TO SOLID WASTE DISPOSAL.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:  
2 Section 1. Section 44-1304.01, Arizona Revised Statutes, is amended to  
3 read:

4 44-1304.01. Storage, disposal, discard or abandonment of used  
5 motor vehicle tires; violation; classification;  
6 exception

7 A. It is unlawful to store one hundred or more used motor vehicle  
8 tires outdoors as follows:

9 1. In ~~any fashion that exceeds twenty feet in height~~ VIOLATION OF THE  
10 STATE FIRE CODE ADOPTED PURSUANT TO SECTION 41-2146.

11 2. ~~In a pile that is more than one hundred fifty feet from a twenty~~  
12 ~~foot wide access route that allows fire control apparatus to approach the~~  
13 ~~pile. Access routes between and around tire piles shall be at least twenty~~  
14 ~~feet wide and maintained free of accumulations of rubbish, equipment or other~~  
15 ~~materials. Access routes shall be spaced so that a maximum grid system unit~~  
16 ~~of fifty feet by one hundred fifty feet is maintained.~~

17 3. ~~Within three feet of any property line.~~

18 4. ~~In any fashion that exceeds six feet in height if the used tires~~  
19 ~~are stored between three and ten feet of any property line.~~

20 5. ~~Within fifty feet of any area in which smoking of tobacco or any~~  
21 ~~other substance by persons is permitted. "No smoking" signs shall be posted~~  
22 ~~in suitable and conspicuous locations.~~

23 6. ~~At any area in which the used motor vehicle tires are stored and in~~  
24 ~~which electrical wiring, fixtures or appliances do not comply with the~~  
25 ~~national electrical code.~~

26 7. ~~Without placing class "2A 10BC" type fire extinguishers at well~~  
27 ~~marked points throughout the storage area so that the travel distance from~~  
28 ~~any point in the storage area to a fire extinguisher is not more than~~  
29 ~~seventy five feet.~~

30 8. 2. Without prior registration of the site with the department of  
31 environmental quality. The registration shall be on a form approved by the  
32 department and shall include the site's location, the NAME OF THE owner of  
33 the property, the NAME OF THE owner or operator of the business storing the  
34 waste tires, if applicable, and the type and approximate quantity of waste  
35 tires stored at the site. For any waste tire collection site that is  
36 operating on ~~the effective date of this amendment to this section SEPTEMBER~~  
37 ~~26, 2008~~, the owner of the property shall register pursuant to this paragraph  
38 ~~within sixty days after the effective date of this amendment to this section~~  
39 ~~ON OR BEFORE NOVEMBER 25, 2008~~.

40 B. FOR ANY WASTE TIRE COLLECTION SITE THAT IS REGISTERED WITH THE  
41 DEPARTMENT OF ENVIRONMENTAL QUALITY BEFORE THE EFFECTIVE DATE OF THIS  
42 AMENDMENT TO THIS SECTION, THE SITE SHALL BE IN FULL COMPLIANCE WITH THE  
43 STATE FIRE CODE ADOPTED PURSUANT TO SECTION 41-2146 ON OR BEFORE APRIL 1,  
44 2010.

1       **B.** C. A person who knowingly discards or abandons five hundred or  
2 more motor vehicle tires, discards or abandons any motor vehicle tires for  
3 commercial purposes except as provided in section 44-1304, or otherwise  
4 knowingly performs any act prohibited by subsection A of this section  
5 involving five hundred or more motor vehicle tires is guilty of a class 5  
6 felony.

7       **C.** D. The attorney general may enforce this section.

8       **D.** E. For the purposes of this section, used motor vehicle tires ~~does~~  
9 DO not include tires that have been recapped and have not yet been put back  
10 into service.

11      Sec. 2. Section 49-762, Arizona Revised Statutes, is amended to read:

12      **49-762. Facilities requiring solid waste facility plans**

13      The owner or operator of the following solid waste facilities shall  
14 obtain approval of a solid waste facility plan in accordance with sections  
15 49-762.03 and 49-762.04:

- 16        1. Solid waste land disposal facilities.
- 17        2. Biosolids processing facilities.
- 18        3. Medical waste facilities.
- 19        4. Special waste facilities.
- 20        5. Municipal solid waste landfills.
- 21        6. Commercial or government-owned household waste composting  
22 facilities.

23        7. A site at which five hundred or more waste tires are stored on any  
24 day and any tire is stored for more than twelve months unless the site is a  
25 waste tire collection site owned by a municipality or a county. **WASTE TIRE**  
**FACILITIES THAT ARE REGULATED UNDER THIS SECTION SHALL BE IN FULL COMPLIANCE**  
**WITH THE STATE FIRE CODE ADOPTED PURSUANT TO SECTION 41-2146 ON OR BEFORE**  
**APRIL 1, 2010.**

26      Sec. 3. Section 49-762.01, Arizona Revised Statutes, is amended to  
27 read:

28      **49-762.01. Facilities requiring self-certification**

29      The owner or operator of all solid waste facilities that are not listed  
30 in either section 49-762 or 49-762.02 shall comply with self-certification  
31 procedures prescribed by section 49-762.05. A waste tire facility that is  
32 not required to obtain solid waste facility plan approval pursuant to section  
33 49-762, paragraph 7 must comply with self-certification procedures as  
34 prescribed in section 49-762.05. **WASTE TIRE FACILITIES THAT ARE REGULATED**  
**UNDER THIS SECTION SHALL BE IN FULL COMPLIANCE WITH THE STATE FIRE CODE**  
**ADOPTED PURSUANT TO SECTION 41-2146 ON OR BEFORE APRIL 1, 2010.**

35      Sec. 4. Section 49-762.02, Arizona Revised Statutes, is amended to  
36 read:

37      **49-762.02. Facilities subject to best management practices;**  
**rules**

38      The following solid waste facilities are subject to best management  
39 practices adopted in accordance with section 49-761, subsection H:

1       1. Transfer facilities that have a daily solid waste throughput of one  
2 hundred eighty cubic yards or less.

3       2. Recycling facilities that are located off site, that are used for  
4 the collection of recyclable material, that have a storage capacity of one  
5 hundred eighty cubic yards or less and that store the recyclable material for  
6 less than ninety days.

7       3. Recycling facilities that are located on site and that are used  
8 solely for the collection and storage of recyclable material for less than  
9 one hundred eighty days.

10      4. Closed loop recycling facilities that are located at the site of  
11 waste generation.

12      5. A site at which more than five hundred and fewer than five thousand  
13 waste tires are stored on any day and that is not required to obtain solid  
14 waste facility plan approval pursuant to section 49-762, paragraph 7. **WASTE**  
**TIRE FACILITIES THAT ARE REGULATED UNDER THIS SECTION SHALL BE IN FULL**  
**COMPLIANCE WITH THE STATE FIRE CODE ADOPTED PURSUANT TO SECTION 41-2146 ON OR**  
**BEFORE APRIL 1, 2010.**

18      6. A solid waste facility where only asbestos-containing waste  
19 materials from manufactured products are stored, processed, treated or  
20 disposed. The best management practices for these facilities that shall  
21 apply are as follows:

22       (a) For solid waste facilities handling asbestos-containing waste  
23 materials that are regulated under the national emission standards for  
24 hazardous air pollutants in 40 Code of Federal Regulations part 61,  
25 subpart M:

26           (i) The national emission standards for hazardous air pollutants that  
27 are incorporated by reference in the rules adopted pursuant to chapter 3 of  
28 this title.

29           (ii) For solid waste land disposal facilities that are not municipal  
30 solid waste landfills, 40 Code of Federal Regulations part 257.

31           (iii) For solid waste land disposal facilities, financial assurance  
32 pursuant to the requirements and time frames of section 49-770.

33           (iv) Solid waste facility notification pursuant to section 49-762.05,  
34 subsection B, paragraph 5.

35           (v) Compliance with local zoning laws or section 49-767, if  
36 applicable.

37       (b) For solid waste facilities handling asbestos-containing waste  
38 materials that are not regulated under the national emission standards for  
39 hazardous air pollutants in 40 Code of Federal Regulations part 61,  
40 subpart M:

41           (i) Compliance with section 49-762.07.

42           (ii) Compliance with local zoning laws or section 49-767, if  
43 applicable.

44       7. Any other solid waste facility that the director determines by rule  
45 should be subject to best management practices.

1 Sec. 5. Section 49-783, Arizona Revised Statutes, is amended to read:

2 49-783. Injunctive relief: civil penalties

3 A. If the director has reason to believe that a person is in violation  
4 of any provision of ~~articles~~ ARTICLE 3 or 4 of this chapter, a rule adopted  
5 pursuant to article 4 of this chapter,~~— OR~~ any condition of an approved solid  
6 waste facility plan issued pursuant to article 4 of this chapter or that a  
7 person is creating an imminent and substantial endangerment to the public  
8 health or the environment, the director through the attorney general may  
9 request a temporary restraining order, a preliminary injunction, a permanent  
10 injunction or any other relief necessary to protect the public health or the  
11 environment, without regard to whether the person has requested a hearing.

12 B. A person who violates any provision of ~~articles~~ ARTICLE 3 or 4 of  
13 this chapter, a rule adopted pursuant to article 4 of this chapter, an order  
14 issued pursuant to this article or an approved solid waste facility plan  
15 issued pursuant to THIS chapter ~~4~~ is subject to a civil penalty of not more  
16 than ~~one TWENTY-FIVE~~ thousand dollars ~~for each day not to exceed fifteen~~  
17 ~~thousand dollars for each violation PER VIOLATION PER DAY.~~ At the request of  
18 the director, the attorney general shall file an action in superior court to  
19 recover civil penalties as prescribed by this section.